

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Matthew Starnes,

Civil No. 10-4466 (MJD/SER)

Plaintiff,

v.

**REPORT & RECOMMENDATION**

Anoka County Jail,

Defendant.

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Plaintiff Matthew Starnes, currently a state prison inmate, filed a Complaint pursuant to 42 U.S.C. § 1983 alleging the Anoka County Jail refuses to send him money he is owed [Doc. No. 1]. Plaintiff did not pay the statutory filing fee with his complaint, but instead filed an application for leave to proceed *in forma pauperis*, (“IFP”) [Doc. No. 2]. On November 9, 2010, then-Magistrate Judge Susan Richard Nelson issued an Order that advised Starnes that his IFP application would not be addressed, and his action could not proceed, until he paid the initial partial filing fee required by 28 U.S.C. § 1915(b)(1) [Doc. No. 3]. The Order noted that if Plaintiff did not pay the initial filing fee within twenty (20) days, Plaintiff will be deemed to have abandoned this action, and the Court would recommend the case be dismissed without prejudice for lack of prosecution. To date it does not appear that Starnes complied with this Order and he has not paid the initial partial filing fee. Therefore, Starnes case should be dismissed without prejudice for lack of prosecution pursuant to Fed. R. Civ. P. 41(b).

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**.

Dated: April 25, 2011

s/ Steven E. Rau  
STEVEN E. RAU  
United States Magistrate Judge

Under D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties by **May 9, 2011**, a writing which specifically identifies those portions of this Report to which objections are made and the basis of those objections. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. A party may respond to the objecting party's brief within ten days after service thereof. A judge shall make a de novo determination of those portions to which objection is made. This Report and Recommendation does not constitute an order or judgment of the District Court, and it is therefore not appealable to the Court of Appeals.